

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT ALLEN FERGUSON, III,  
Plaintiff,

v.

ANDREW M. SAUL,<sup>1</sup>  
Commissioner of Social Security,  
Defendant.

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CIVIL ACTION  
NO. 18-1493

**ORDER**

**AND NOW**, this 17<sup>th</sup> day of July, 2019, upon careful and independent consideration of the administrative record, the Brief and Statement of Issues in Support of Request for Review filed by Plaintiff, Defendant's response, and Plaintiff's reply (Docs. 9, 10 & 13), and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The final decision of the Commissioner denying disability benefits to Plaintiff is **VACATED**;
3. Plaintiff's Motion for Summary Judgment (Doc. 9) is **GRANTED IN PART**; and
4. The matter is **REMANDED** to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's Report.

The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Jeffrey L. Schmehl

JEFFREY L. SCHMEHL,

J.

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<sup>1</sup> Andrew M. Saul was sworn in as the Commissioner of Social Security on June 17, 2019. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, therefore, he should be substituted for Nancy A. Berryhill as Defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).